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Examiner G. Ewoldt at Fax No.: 1-703-305-3014

On October 9, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Paul Townsend

AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE -  
EXAMINING GROUP 1600

PATENT  
2307AA-031220US  
90-160-5

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steinunn Baekkeskov et al.

Application No.: 08/838,486

Filed: April 7, 1997

For: IMPROVED METHODS FOR THE  
DIAGNOSIS AND TREATMENT OF  
DIABETES

Examiner: M. Tung

AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1600

Box AF

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed April 24, 2001, please amend this application as follows:

## IN THE CLAIMS:

Please cancel claims 60 and 61.

## REMARKS

11. The office action indicates that all of the present claims are different in scope than those in the Florida patents. However, the office action has not stated what the differences in scope are, or addressed whether any differences are sufficient to confer patentable distinction. In addition, the office action has not stated whether the Florida patents can be overcome by declaration pursuant to 37 CFR 1.131 or MPEP 715.07(c) (attribution) or only by interference. Although applicants

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